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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
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3688

MAIL DATE	DELIVERY MODE
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08/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### DETAILED ACTION

1. This office action is in response to communication filed on 5/11/2009.
2. Claims 14, 17, 20, 23 and 26 are presented for examination.

#### **Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 14, 17, 20, 23 and 26 are rejected under 35 U.S.C. 112, second paragraph, the claims call for “decreased customer’s cumulative points in proportion to a time spent providing the electronic information”. It is not clear and is confusing how the user’s points is being decreased based on the time that it takes the electronic information to be provided to the user. It doesn’t make sense from a business point of view for a user to have his points decreased based on the time that it takes the electronic information to be displayed or supplied to the user. It seems from the claims that the user is being penalized (decreasing points) based on the time that it takes for the information to be supplied/transmitted to the user.

Correction is required.

5. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, lines 5-6 calls for “decreasing an amount of the period in proportion to a lapse of time during which the electronic service is transmitted the customer” It is unclear what amount exactly is being decreased by the lapse of time the electronic service is transmitted to the customer.

Correction is required.

**Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14, 17, 20, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deaton (6,684,195 hereinafter Deaton) in view of Humble (6,529,940 hereinafter Humble).

With respect to claims 14, 17, 20, 23 and 26 Deaton teaches a point management system employing a computer for managing points issued to each customer who receives a service according to the issued points with an electronic information service (Abstract).

A point issue unit issues points to a customer according to a transaction performed by the customer (see Figure 18B and col. 75, lines 33-38);

a point calculating unit updates the issued points, converts predetermined points into a time period for supplying the information service, and decreases the cumulative issued points according to a time spent for providing the information service which is redeemed by the customer's request with the cumulative issued points (i.e. the system determines purchases made within a 30 day shopping period and awards less points to Value B shoppers who make more purchases or are supplied more purchases than

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Value A shoppers who are infrequent shoppers and obtain or make less purchases)(see col. 9, lines 1-45 and table on column 68).

a service providing means for providing the information to a customer (col. 103, lines 64 to col. 104, lines 1-21).

Deaton doesn't specifically teach that the services provided are video information, voice information, software information, music information and database information as the electronic information to the customer through a communication circuit. Official notice is taken that it is old and well known in the computer related arts to provide services electronically such as video information, voice information, software, music and database information to the customer via the customer's PC in order to avoid the need for the customer to having to wait for the goods or services or having to pick up the goods or services from a remote location. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included providing services/items electronically such as video information, voice information, software, music and database information via his or her PC in order to obtain the above mentioned advantage.

Deaton doesn't specifically teach displaying the decreased of points on a customer terminal. Humble teaches on Figure 1 displaying at the checkout or POS when an item is being purchased, a visual aid of what is taken place such as issuing a coupon on display 26. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the system of Deaton displaying the decreased of points at the time the information is provided or at the time of sale of

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Humble because such a modification would provide “**visual presentation to the customer**”(in Humble col. 2, lines 45-48) .

### **Response to Arguments**

8. Applicant is advised to show support in the specification for the claim features in order to aid in the understanding and support of the claim language.

9. Applicant argues that Deaton and/or Humble do not teach or suggest a system that “converts predetermined points into a time period for supplying the information service and decreases the cumulative points according to a time spent for providing the information service which is redeemed by the customer’s request with the cumulative points. The Examiner disagrees with Applicant because Deaton teaches the user obtaining points for making purchases and the rate of points issued to the customer being based on purchases made within a 30 day shopping period. the system determines purchases made within a 30 day shopping period and awards less points to Value B shoppers who make more purchases or are supplied more purchases than Value A shoppers who are infrequent shoppers and obtain or make less purchases, see col. 9, lines 1-45 and table on column 68.

10. Applicant argues that Humble doesn’t teach displaying the decreased customer’s cumulative issued points in proportion to the time period for supplying the information service. The Examiner wants to point out that Deaton was cited to teach decreasing customer’s cumulative issued points in proportion to the time period for supplying the

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information (see above) and Humble was merely cited to teach using display 26 to show redemption of points and decreasing of points at time of purchase. The combination of both references teaches the claimed invention.

11. Applicant argues it is not possible for the system to provide transaction data that is specific to a customer identification code in Deaton using the display of general manufacturer messages to all customers in-store as asserted in humble. The Examiner wants to again point out that Humble was merely cited to teach the display to display points and that it is the combination of both references that teach transaction data specific to the customer based on the customer's id (Deaton) and using Deaton to display the information obtained from Deaton.

12. With respect to the Official Notice taken that it is old and well known in the computer related arts to provide services/products electronically such as video, software and the like, this is so notorious well known prior to Applicant's invention priority filed on April 9, 1993 that a reference is not deemed necessary. See MPEP 2144.03.

### **Conclusion**

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Point of contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Weinhardt can be reached on (571)272-6633. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

Raquel Alvarez  
Primary Examiner  
Art Unit 3688

R.A.  
7/31/2009